

IN THE UNITED STATES DISTRICT COURT
FOR THE Southern DISTRICT OF TEXAS
GALVESTON DIVISION

Kenneth Hill #632292

Plaintiff's name and ID Number

Wayne Scott unit

Place of Confinement

Jury Trial Demand

CASE NO: _____
(Clerk will assign the number)

v.

JAMES B. THOMAS

Defendant's name and address

Defendant's name and address

Defendant's name and address

(DO NOT USE "ET AL.")

I. PREVIOUS LAWSUITS:

A. Have you filed *any* other lawsuits in state or federal court relating to your imprisonment? YES NO

B. If your answer to "A" is "yes", describe each lawsuit in the space below.
(If there is more than one lawsuit, describe the additional lawsuits on another piece of giving the same information.)

1. Approximate date of filing lawsuit: November 17, 03

2. Parties to previous lawsuit:

Plaintiff(s) Kenneth Hill

Defendant(s) Jessiera Gotson, Micheal Jennings, James Thomas

3. Court (If federal, name the district; if state, name the county) Southern

4. Docket Number: G-03-966

5. Name of judge to whom case was assigned: Samuel B. Kent

6. Disposition: (Was the case dismissed, appealed, still pending?)

still pending

7. Approximate date of disposition: NA

II. **PLACE OF PRESENT CONFINEMENT:** Wayne Scott unit

III. **EXHAUSTION OF GRIEVANCE PROCEDURES:**

Have you exhausted both steps of the grievance procedure in this institution? YES NO

Attach a copy of the Step 2 grievance with the response supplied by the prison system.

The grievances were originally attached to cause no. G-03-966

IV. **PARTIES TO THIS SUIT:**

A. Name of address of plaintiff: Kenneth Hill, Wayne Scott unit,
6999 retrieve, Angleton Texas, 77515

B. Full name of each defendant, his official position, his place of employment, and his full mailing address.

Defendant #1: James B. Thomas, Sgt. Wayne Scott unit
6999 retrieve, Angleton TX, 77515

Briefly describe the act(s) or omission(s) of this defendant which you claimed harmed you.

Retaliation for my use of the grievance procedure

Defendant #2: _____

Briefly describe the act(s) or omission(s) of this defendant which you claimed harmed you.

Defendant #3: _____

Briefly describe the act(s) or omission(s) of this defendant which you claimed harmed you.

Defendant #4: _____

Briefly describe the act(s) or omission(s) of this defendant which you claimed harmed you.

Defendant #5: _____

Briefly describe the act(s) or omission(s) of this defendant which you claimed harmed you.

V. **STATEMENT OF CLAIM:**

State here in a short and plain statement the facts of your case, that is, what happened, where did it happen, when did it happen, and who was involved. Describe how each defendant is involved. You need not give any legal arguments or cite any cases of statutes. If you intend to allege a number of related claims, number and set forth each claim in a separate paragraph. Attach extra pages if necessary, but remember that the complaint must be stated briefly and concisely. IF YOU VIOLATE THIS RULE, THE COURT MAY STRIKE YOUR COMPLAINT.

SEE ATTCHMENT

VI. RELIEF:

State briefly exactly what you want the court to do for you. Make no legal arguments. Cite no cases or statutes.

50,000 compensatory damages, 50,000 punitive damage, Declaratory Judgement against Thomas. Injunction against Retaliation. Jury Trial Demand.

VII. BACKGROUND INFORMATION:

A. State, in complete form, all names you have ever used or been known by including any and all aliases:

Kenneth Hill

B. List all TDCJ-ID identification numbers you have ever been assigned and all other state or federal prison or FBI numbers ever assigned to you, if known to you.

463303, 501663, 632292.

VII. SANCTIONS:

A. Have you been sanctioned by any court as a result of any lawsuit you have filed? _____ YES NO

B. If your answer is "yes", give the following information for every lawsuit in which sanctions were imposed. (If more than one, use another piece of paper and answer the same questions.)

1. Court that imposed sanctions (if federal, give district and division): _____
2. Case Number: _____
3. Approximate date sanctions were imposed: _____
4. Have the sanctions been lifted or otherwise satisfied? _____ YES NO

C. Has any court ever warned or notified you that sanctions could be imposed? _____ YES NO

D. If your answer is "yes", give the following information for every lawsuit in which warning was imposed. (If more than one, use another piece of paper and answer

STATEMENT OF FACTS

1. On May 8, 03, while at work, Plaintiff was issued unsanitary work boots. Defendant Thomas (Hereafter referred to as Defendant) lied and stated to plaintiff "I have sanitizing spray on the tool wagon". Plaintiff agreed to wear the boots under such conditions but it was then discovered that the boots that had been issued to the plaintiff was to small of a size to fit, so plaintiff was instructed by defendant to return to his cell until a correct size boot could be issued. Later that same day the plaintiff received a disciplinary report stating that he had failed to turn out for his assigned work (See Disciplinary Report # 20030241382). Later it was determined on Appeal that the Defendant had lied and the above numbered disciplinary report was reversed. Furthermore, on May 12, 03, Plaintiff filed a grievance alleging that the Defendant was issuing out unsanitary work boots. (See Grievance # 2003181381).

2. On September 29, 03, the plaintiff turned out for work but was sent back to his cell by Field Officer Jones, for not having his photo ID. Card (Plaintiff's ID Card had been mistakenly taken home by a Correctional Officer). Officer Jones notified the defendant and told the defendant that he (W. JONES) had sent the plaintiff back to his cell. The defendant then filed a false disciplinary report alleging that the plaintiff failed to turn out for his assigned work (See Disciplinary # 20040038147). Plaintiff was found not guilty.

3. On October 8, 03, the plaintiff filed a grievance (# 2004023033) stating that the September 29, 03 Offense Report written by the Defendant was written in retaliation. Shortly after the above grievance was filed the

Defendant stated to plaintiff "YOU AIN'T SEEN RETALIATION YET!".

4. After the above Threat by the Defendant, the Defendant and the field supervisor harassed the plaintiff on October 24, 03. The defendant stated to the plaintiff "I HAVE ALREADY TALKED TO THE MAJOR AND THE NEXT OFFENSE REPORT I WRITE WILL BE A MAJOR CASE AND YOU WILL BE FOUND GUILTY!). The plaintiff filed a grievance on October 27, 03 against the defendant for the October 24, 03 threat and harassment (See grievance # 2004036548). On October 28, 03, The defendant wrote plaintiff a false disciplinary report (#20040089616) alleging that plaintiff failed to complete a reasonable amount of work. The plaintiff was found guilty despite having 5 witnesses. Punishment was assessed at the loss of 45 days goodtime, 45 days commissary restriction and 30 days cell restriction. Plaintiff has never been written up by any other officer in over 4 years of field work duty on this unit for the failure to do his assigned work.

The actions of Defendant Thomas were in retaliation for the Plaintiff exercising his constitutional right to petition the government for redress of grievances and this exercise motivated defendant to bring disciplinary charges against the plaintiff in violation of plaintiff's 1st and 14th Amendment Rights.

I swear under penalty of perjury that the foregoing facts are true and correct to the best of my knowledge.

Kenneth Hill
Kenneth Hill/Plaintiff Pro-Se

1. Court that imposed warning (if federal, give the district and division): _____
2. Case number: _____
3. Approximate date warnings were imposed: _____

Executed on: 01-10-04
DATE

Kenneth Hile
(Signature of Plaintiff)

PLAINTIFF'S DECLARATIONS

1. I declare under penalty of perjury all facts presented in this complaint and attachments thereto are true and correct.
2. I understand if I am released or transferred, it is my responsibility to keep the Court informed of my current mailing address and failure to do so may result in the dismissal of this lawsuit.
3. I understand that I must exhaust all available administrative remedies prior to filing this lawsuit.
4. I understand I am prohibited from bringing an *in forma pauperis* lawsuit if I have brought three or more civil actions in a Court of the United States while incarcerated or detained in any facility, which lawsuits are dismissed on the ground they were frivolous, malicious, or failed to state a claim upon which relief may be granted; unless I am under imminent danger of serious physical injury.
5. I understand even if I am allowed to proceed ~~without~~ ^{with} prepayment of costs, I am responsible for the entire \$150 filing fee and costs assessed by the ~~Court~~ ^{Court} which shall be deducted in accordance with the law from my inmate account by my custodian until the filing fee is paid.

Signed this 10th day of November, 20 04.
(Day) (Month) (Year)

Kenneth Hile
(Signature of Plaintiff)

WARNING: The Plaintiff is hereby advised any false or deliberately misleading information provided in response to the following questions will result in the imposition of sanctions. The sanctions the Court may impose include, but are not limited to monetary sanctions and/or the dismissal of this action with prejudice.

Kenneth Hill Case 3:04-cv-00647 Doc#
Wayne Scott unit

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HOUSTON '73 NORTH

**United States District Court
Southern District of Texas
FILED**

NOV 15 2004

William H. Bailey, Clerk

Clerk

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Galveston, -